

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NUMBER 92-AO-5  
CITY-COUNTY COUNCIL GENERAL  
ORDINANCE NO. G.O. \_\_\_, 1992

Original: 88-AO-5

ZONING ORDINANCE 92-AO-5  
AMENDING  
THE ENFORCEMENT AND REMEDIES ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA

DRAFT: MAY 20, 1992

Department of Metropolitan Development  
Division of Development Services

METROPOLITAN DEVELOPMENT COMMISSION

DOCKET NO. 92-AO-5

CITY-COUNTY ORDINANCE NO. G.O. \_\_\_, 1992

AN ORDINANCE to amend the Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County which ordinance includes the Enforcement and Remedies Ordinance, and fixing a time when the same shall take effect.

NOW, THEREFORE BE IT ORDAINED BY  
THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA AS FOLLOWS:

SECTION 1. The Enforcement and Remedies Zoning Ordinance of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 88-AO-5, pursuant to IC 36-7-4, be amended as follows:

- A. That Section 2, C., be amended by inserting the underscored language as follows:
  - C. "Inoperable Motor Vehicle" means: (1) a motor vehicle from which there has been removed the engine, transmission of differential or that is otherwise partially dismantled or mechanically inoperable, or (2) any motor vehicle which cannot be driven on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.
- B. That Section 6, A., be amended by deleting the crosshatched language and inserting the underscored language as follows:
  - A. The following shall be deemed civil zoning violations which may be enforced by the designated enforcement entity in accordance with the procedures set forth in Sections 6, 7 and 8 of this ordinance:
    - 1. The location, erection, or maintenance of any sign not specifically permitted by the Sign Regulations of Marion County, Indiana;

2. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Improvement Location Permit Ordinance of Marion County, Indiana;
3. The outdoor storage of junk, trash, or debris in any zoning district the provisions of which do not specifically permit such a use;
4. The outdoor storage of inoperable motor vehicles or motor vehicle parts in any zoning district the provisions of which do not specifically permit such a use;
5. The parking or storage, in any zoning district the provisions of which do not specifically permit such a use, of any motor vehicle used or designed: (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform or support for equipment, machinery, material or other goods (including but not limited to stake body trucks, dump trucks or tractors having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailer and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet). However, this provision does not apply to motor vehicles which do not exceed the three-quarter ton load classification in size and which are the primary source of transportation for an individual whose primary place of residence is the particular dwelling at which the commercial motor vehicle is parked on a regular bases;  
~~and~~
6. The outdoor storage or display of merchandise or goods in any zoning district the provisions of which do not specifically permit such a use or in violation of zoning district development standards regulating said use/;
7. The conduct of any activity in a dwelling zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;
8. Failure to comply with zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, dumpster enclosure, fencing or screening requirements;

9. The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, rezoning ordinance, or other approval grant; and,
10. The violation of a Stop Work Order issued pursuant to Section 5.

C. That Section 6, C., be amended by inserting the underscored language as follows:

- C. Each day a violation remains undirected is a distinct and separate civil violation subject to an additional citation and fine in the amount prescribed by subsection (D) below provided a warning ticket, if required, has first been issued pursuant to 7(B).

D. That Section 7, A., be amended by deleting the crosshatched language and inserting the underscored language as follows:

- A. The Administrator or his duly authorized designees may issue a civil citation to a person who commits a civil zoning violation or ~~to the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs~~ allows a civil zoning violation to be committed on real estate in which the person has a possessory interest. The citation may be served by personal service, by certified mail, by First Class U.S. mail or by placement in a conspicuous place on the property where the violation occurs and shall serve a notice to a person that he has committed a civil zoning violation.

E. That Section 7, B., be amended by inserting the underscored language as follows:

- B. No citation shall be issued unless the person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest ~~the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs~~ has been issued a warning ticket not less than ten (10) days before the issuance of the citation to allow said person to correct the violation to come into compliance with the prescribed zoning ordinance or regulation. However, the issuance of a warning ticket is not required before issuing a citation for the violation of a Stop Work Order issued pursuant to Section 5.

SECTION 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA

\_\_\_\_\_  
President (or Presiding Officer)

Date: \_\_\_\_\_

ADOPTED

JUNE 2, 1992

Attest: \_\_\_\_\_  
(Clerk)